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The purpose of this review does not justify any examination of interesting questions outside the text.

We know that the second volume of text will be as sound work as this first one. Then will come the *corona operis*, the translation with its notes relating Bracton to the succeeding development. It will no doubt appear that this *clarum et venerabile nomen* is the *fons juris* of English law. First, however, must be settled the many points as to the law in his own day. We believe that the greater part not only of the law of actions but of the substantive law of England in Bracton's day came from the Roman law in the two hundred years prior to Bracton. The work that has been done in the last years will greatly assist this task and when it has been done, a splendid achievement well worth the labor of a lifetime will have been accomplished.

In conclusion it remains to be said that typographically these volumes are a pleasure to the sight. The words in precisely the proper type stand forth from the pages of dead white paper with clarity and distinctness. The outward garb of the great classic is perfect. American lawyers ought to feel elated that these volumes and their successors will indicate what efficient work is being done in this country for the history of English law. The bard consoled the vanquished British Queen with the words:

"Regions Caesar never knew,
Thy posterity shall sway;
Where his eagles never flew,
None invincible as they."

Certainly as to English law this prediction was true, and Pateshull, Raleigh, and Bracton were certifying laws for mighty realms, of which they, much less the Caesars, had never dreamed. Mr. Woodbine, who works upon the great history of English law, is working for still wider regions where this law by its innate excellence will come to rule.

JOHN M. ZANE.

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The League of Nations. By Sir Frederick Pollock. Second Edition. London, Stevens & Sons, 1922. pp. xvi, 266.

Historians, lawyers, and the general reader will all be grateful for this suggestive and succinct sketch, now in its second edition, which ought to be in the hands of every politician, and which, properly read, would dispel the mists of sentimentality and cynicism that have clouded the debates on the League. Sir Frederick has drawn upon his wealth of erudition to provide an admirable background for his exposition of the principles of the Covenant; his analytical powers are displayed brilliantly in his discussion of the functions of the League; and there is a healthy idealism not bereft of practical sense, which illumines his calm but very effective plea for the establishment of order in international affairs. He has divided the work into two parts, each of four chapters, the first introductory to the organization of the League; the second dealing with its functions and actual operation. The book concludes with an appendix of sixty pages, which includes pertinent documents. Admirable bibliographical references are placed at the head of each chapter.

The introductory portion begins with a brief sketch of the older European system regarded from the international point of view. It covers arbitration in the Middle Ages, mediaeval plans for a general federation, the Congress of Vienna system, its development into the Concert of Europe, and its dissolution in 1908, when, the author believes, the annexation of Bosnia by Austria dealt it a final blow.

The two succeeding chapters deal with arbitration in the nineteenth and twentieth centuries and the Hague Tribunal. The author emphasizes the distinction, not always in the mind of the reader without legal training, between mediation and arbitration. He then goes on to deal with the value of international arbitration, a passage in which his judicial qualities receive full opportunity; the excess of praise and abuse which the method of arbitration has evoked, he pitilessly condemns. Beginning with the *Alabama* case and utilizing other examples, he does not stint his praise for the system as one method of securing international peace. But his chapter on the Hague Tribunal makes plain that he fully appreciates the imperfect nature of transitory jurisdiction, and that the demand for some sort of permanent court, frequently advanced by United States delegates, had his sympathy. The final chapter of the introductory portion of the work is largely historical, dealing with the movements aroused by the war, the American, British, and continental societies formed to organize a league of nations, and especially the Smuts pamphlet. The chapter ends with an impressive catalogue of international conventions already in force in 1914, for the regulation of communications, administration of treaty provisions, collection of statistics and intelligence, and many other cosmopolitan purposes.

The three succeeding chapters analyze the Covenant. The first of these deals with the chief organs of the League, the Assembly, Council, and Secretariat. Sir Frederick evidently agrees with the contention that the Covenant is not the constitution of a super-state, for he quotes, without criticism, the official declaration that it is a "solemn agreement between sovereign states which consent to limit their complete freedom of action on certain points for the greater good of themselves and the world at large." There is such a strong reminiscence of Rousseau in this declaration that the reader will regret that Sir Frederick does not stop to discuss its validity. One wishes that he had directed his analytical powers towards framing a distinction between the so-called "super-state" and the organization that results from the Covenant. He is satisfied, however, merely to explain the structure of the League, with full comments upon the functions of its different organs.

In chapters six and seven the author explains the operation of these organs under the threat or in time of war. In the former he takes up the question of armament, the plans for its reduction, the problem of private manufacture, and the exchange of information. Article X is analyzed with the conclusion that its guarantee of the territorial integrity and independence of the member states cannot be construed into an attempt to create a new Holy Alliance. In the following chapter there is an illuminating discussion of judicial processes and sanctions. Beginning with the provision for the settlement of disputes through arbitral award or for inquiry by the Council, the author goes on to explain the constitution of the Permanent Court, the cases in which non-justiciable disputes may be settled by the Council, and the power of the Council to refer to the Assembly. He concludes with a discussion of the sanctions against war or breach of the Covenant, and the proceedings to be taken with regard to non-member states.

The final chapter, entitled "The League in Peace," is a brief statement of the non-political activities of the League, which in view of the loss of political influence occasioned by the abstention of the United States, are doubtless its most significant product. The final pages of this chapter, however, show plainly that even from the political point of view, the League has been far from "dead."

The book is perhaps the clearest and fairest analysis of the Covenant thus far published. The bias of the author in favor of giving the fullest opportunity to the League is apparent, and yet he is careful always to understate the conclusions which he draws from his analysis when they seem to confirm that bias. Without appearing to argue he has produced the strongest argument in favor of the League

that has appeared since the little-read speeches of President Wilson delivered in the fall of 1919. That this argument has resulted from the intellectual processes of so great a mind as that of Sir Frederick Pollock is a matter of some significance.

CHARLES SEYMOUR.

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The Nature and Sources of the Law. By John Chipman Gray. Second Edition. By Roland Gray. New York, The MacMillan Co., 1921. pp. xviii, 348.

This is more nearly a reprinting than a revision. The revisor tells us in his preface that prior to the distinguished author's death in 1915 he had made notes for a second edition, of which the revisor, his son, has made use. But the resulting additions to the book are trifling. We are told that the criticisms of the original edition, and subsequent writings on the same subject, had not caused the author to modify his views. In fact there is practically nothing in this edition to indicate that Professor Gray had given any attention to the publications dealing with the subject matter of the book during the six years that intervened between the date of its publication and his death. The new edition contains some translations, a few additional explanatory notes, some transpositions and additional citations and adds a useful table of cases. Some topics are transferred from the appendix to the principal text, appearing as interpolations or as footnotes, the rather forbidding section numbers are banished, the margins are wider, and the type is better. On the whole, the second edition is more pleasing to look at than the first, but the content is the same, with exactly the same merits and defects.

And the merits are many. Barring the first brief chapter on *Legal Rights and Duties*, which is not well done, and the author's laborious defense of his untenable thesis that statute law, like every other kind of law, is made by the courts, the book is not only profitable to the reader but highly entertaining as well. One wishes he might say the same of more of what we are pleased to call "the literature of the law!" Not only does it exhibit the sound sense, profound learning and clearness of presentment so characteristic of all of Professor Gray's writing, but here we find those touches of unexpected humor, those whimsically homely illustrations, that illuminated his treatment of the profoundest topics in the intimacy of the classroom. Thus he admits that analytic jurisprudence may, on its constructive side, be unfruitful, "but there is no better method for the puncture of windbags." In announcing his thesis that the "Law of The State or of any organized body of men is composed of the rules which the courts, that is, the judicial organs of that body, lay down for the determination of legal rights and duties," he quizzically notes the absurdity of saying "that the Law of a great nation means the opinions of half a dozen old gentlemen, conceivably of very limited intelligence." So, in speaking of the amazing number of civilian treatises on possession, after noting that Ihering had added a ninth to the previously discovered eight reasons for protecting possession, he adds: "Whether it is better to protect possession with nine inconsistent theories, or without any theory at all, is a question not to be answered offhand in favor of the civilian position."

The author will probably find few readers that will follow him so far as to accept his contention that a lawfully enacted statute is not law until enforced by the courts, but most of them will give him the decision in his wordy combat with the late learned Professor W. G. Hammond (in his edition of Blackstone's *Commentaries*) and Mr. James C. Carter (in *Law, its Origin, Growth and Function*), both of whom contended that the courts do not make the law, but only discover it in its natural state in some supernal realm and declare it to earth-treading mortals. The author's treatment of the concept of the state, and sovereignty within the state, is notably lacking in that precision and clarity that usually